

In Confidence

Office of the Minister for Health  
Chair, Cabinet Legislation Committee

## **Amendment to the Medicines (Standing Order) Regulations 2002**

### **Proposal**

- 1 I propose that the Medicines (Standing Order) Amendment Regulations 2016 be authorised for submission to the Executive Council.

### **Policy**

- 2 The Medicines (Standing Order) Regulations 2002 (the Regulations) currently name practitioners (defined as medical practitioners and dentists) as issuers of standing orders.
- 3 On 11 April 2016 the Cabinet Social Policy Committee agreed to my proposal to amend the Regulations to name nurse practitioners and prescribing optometrists as issuers of standing orders (CAB-16-MIN-0144).
- 4 A standing order is a written instruction, issued by an authorised prescriber, which allows a specified person to administer or supply a specified prescription medicine when an authorised prescriber is not available.
- 5 The Medicines (Standing Order) Amendment Regulations 2016 (the Amendment Regulations) give effect to the policy intent of the Medicines Amendment Act 2013 which made nurse practitioners and optometrists authorised prescribers and changed the definition of a standing order so that all authorised prescribers can issue standing orders under applicable regulations.
- 6 The Amendment Regulations are supported by the Government policy platforms to:
  - improve access to health care
  - make the most efficient use of the available health workforce.
- 7 Drafting the amendment to the definition of 'issuer' in regulation 3 and the requisite consequential amendments provided an opportunity for the Parliamentary Counsel Office to improve the wording of regulation 8(a)(v)). The wording changes clarify the meaning of the sub-clauses and streamline the accessibility of standing orders by requiring issuers to make standing orders available to those subject to (or affected by) the standing order and any other person who requests access.
- 8 No new policy decisions are required.

### **Timing and 28-day rule**

- 9 The Amendment Regulations will comply with the 28-day rule and will come into force on 17 August 2016.

### **Compliance**

- 10 The Amendment Regulations comply with:
- 10.1 the principles of the Treaty of Waitangi
  - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
  - 10.3 the principles and guidelines set out in the Privacy Act 1993
  - 10.4 relevant international standards and obligations
  - 10.5 the Legislation Design Advisory Committee's LDAC Guidelines: Guidelines on Process and Content of Legislation.
- 11 Section 105(1) of the Medicines Act requires the Minister of Health to consult with such organisations or bodies as appear to the Minister to be representative of persons likely to be substantially affected by the regulations before making an Order in Council. I am satisfied that sufficient consultation has been conducted with the responsible authorities and professional associations representing prescriber groups in this case.

### **Regulations Review Committee**

- 12 There are no grounds for the Regulations Review Committee to draw the disallowable instrument or regulations to the attention of the House of Representatives under Standing Order 319.

### **Certification by Parliamentary Counsel**

- 13 The draft Amendment Regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

### **Regulatory impact analysis**

- 14 A Regulatory Impact Statement was prepared in accordance with the necessary requirements, and was submitted at the time that Cabinet approval was sought for the policy relating to the Regulations (CAB-16-MIN-0144).

### **Publicity**

- 15 Publicity about the Amendment Regulations will be managed by the Ministry of Health. Communications will be sent to the responsible authorities and professional associations for nurses, medical practitioners, dentists, midwives, pharmacists and optometrists and the health sector more generally. The Ministry of Health Standing Order Guidelines will be revised to reflect the amendment and published on the Ministry of Health website.

### **Consultation**

- 16 The Treasury, the Ministry of Education, the Department of Corrections, the Ministry of Defence, the Ministry of Social Development, the Accident Compensation Corporation, the Ministry of Justice, the Ministry of Business, Innovation and Employment, the Ministry for Women, and the Department of Prime Minister and Cabinet have been consulted and informed of the timing of this Cabinet paper.

- 17 The Ministry of Health conducted two targeted sector consultations with the responsible authorities and the professional associations for medical practitioners, nurses, optometrists, pharmacists and midwives before the proposing the amendment to the Regulations.

## **Recommendations**

The Minister of Health recommends the Cabinet Legislation Committee:

- 1 **note** that on 6 April 2016 the Cabinet Social Policy Committee agreed to the amendment of the Medicines (Standing Order) Regulations 2002 to allow nurse practitioners and prescribing optometrists to issue standing orders [CAB-MIN-0144]
- 2 **note** that the Medicines (Standing Order) Amendment Regulations 2016 will give effect to the decision referred to in recommendation 1 above
- 3 **note** that section 105(1) of the Medicines Act requires the Minister of Health to consult with such organisations or bodies as appear to the Minister to be representative of persons likely to be substantially affected by the regulations before making an Order in Council.
- 4 **note** that the Minister of Health is satisfied that the requirement in paragraph 3 above has been met.
- 5 **note** that the Medicines (Standing Order) Amendment Regulations 2016 come into force on 17 August 2016.
- 6 **authorise** the submission to the Executive Council of the Medicines (Standing Order) Amendment Regulations 2016.

Authorised for lodgement

Hon Dr Jonathan Coleman

Minister of Health